

**United States Department Of The Interior
BUREAU OF LAND MANAGEMENT
National Human Resources Management Center
Denver Federal Center, Building 50
P.O. Box 25047
Denver, Colorado 80225-0047**

In Reply Refer to:
1400-630 (HR-220)

October 15, 1999

EMS TRANSMISSION

Instruction Memorandum No. HR-2000-008

Expires 9/30/00

To: All HR, BC, NI, RS, NPIT, and WO Field BIA Liaison Office Employees

From: Director, National Human Resources Management Center

Subject: Avoiding Forfeiture of Annual Leave

This is a reminder that employees may not carry more than 240 hours of annual leave into the new leave year, which begins January 2, 2000. In order to avoid the forfeiture of annual leave hours exceeding 240 hours, employees should submit their written request for leave, and plan to use all excess annual leave between now and January 1, 2000.

Criteria for Leave Restoration. Sometimes for reasons beyond the employee's control, he/she may be unable to use scheduled annual leave which is in excess of the 240 hours. In such circumstances, the employee may donate the unused portion of their leave to an authorized recipient in the Leave Transfer Program, or may request restoration of their leave into the new leave year **if** they meet one of the following circumstances:

1. Administrative Error - Annual leave was previously requested and approved in writing, but due to a documented administrative error the employee was precluded from using it before the end of the leave year.
2. Annual leave was previously requested and approved in writing, but a documented employee illness or injury prevented the use of the leave. This situation has two criteria that must be met:
 - a. The leave was requested and approved in writing, before the start of the third bi-weekly pay period prior to the end of the leave year.

b. The period of absence could not have been rescheduled early enough during the leave year to avoid forfeiture.

3. Annual leave was previously requested and approved in writing, but later canceled due to an exigency(s) of the government. This situation has five criteria that must be met:

a. The appropriate Center Director approved the exigency as being too important to allow the employee to take leave, prior to canceling it.

b. There were no reasonable alternatives to canceling the pre-approved leave.

c. The exigency must have had a pre-determined beginning and ending date, or due to the suddenness or uncertainty of the situation, there was no advance notice.

d. The leave must have been requested and approved in writing prior to the start of the third bi-weekly pay period before the end of the leave year.

e. There was not enough time remaining after the exigency ended to reschedule the employee's leave, prior to the end of the leave year.

Procedures for Requesting an Exigency or Restoration of Annual Leave

1. Requests for approval of exigencies must be prepared in writing by the supervisor, and submitted through supervisory channels to the appropriate Center Director for approval. The written request to cancel leave due to exigency of work must include the employee's name; type of exigency; beginning and ending date of exigency; importance of employee's presence during the exigency; reason(s) why alternatives could not have been used; and why leave could not have been reasonably rescheduled during the calendar year.

2. Employees who had approved annual leave canceled due to an approved exigency; meet the requirements to have their leave restored; and wish to request to have their leave restored, must submit a completed copy of the enclosed Request for Restoration of Forfeited Annual Leave (Int Form 4727-78), along with (1) a copy of the employee's approved request for leave; (2) a copy of the supervisor's cancellation of that leave; (3) a copy of the appropriate Center Director's approval of the exigency (if applicable); and (4) a supervisor's statement supporting the employee's request for restoration. The statement should include an explanation why other alternatives could not have been implemented; and why the excess leave could not have been scheduled prior to end of the leave year.

3. Approved requests for leave restoration must be submitted to the NHRMC (HR-220) for review and submission to the DOI National Business Center, Payroll Operations Division, for processing. All restored leave will be credited to the employee in a separate leave account. The employee will be responsible for using the restored annual leave prior to the end of the leave year

ending two (2) years after restoration is approved. No payment is authorized for unused restored leave after the two (2) year period expires. If the employee separates from federal service prior to the end of the second year, payment for the unused balance will be included in the employee's lump-sum payment for annual leave.

The only exception to the above procedures concerning exigencies is annual leave forfeited because the employee's services were required during the Year 2000 (Y2K) computer conversion exigency. In such cases, it will be deemed to have been scheduled in advance and, therefore, eligible for leave restoration without requesting or approving the exigency. In this instance the employee is authorized to use the restored leave up until the end of leave year 2002. For leave to be restored, the employee must complete the attached Request for Restoration of Forfeited Annual Leave (Form Int 4727-78) and submit it through supervisory channels to the appropriate Center Director for approval.

Employees who worked on Y2K during 1999, but moved to a position that was not involved with Y2K before the end of the 1999 leave year must make a reasonable effort to schedule and use any excess annual leave by January 1, 2000. Center Directors may exempt an employee in this situation if the employee can demonstrate that he or she was unable to comply with the advanced scheduling requirement due to circumstances beyond their control.

Questions regarding this matter should be directed to Lenna Gerwing at 236-6667 or Jerry Jones at 236-6690.

Signed
Linda D. Sedbrook
Director, NHRMC

Authenticated
Lenna Gerwing
Employee Relations Specialist

1 Attachment

1 - Int Form 4727-78, Request for Restoration of Forfeited Annual Leave

Distribution
HR-200
NI-100 Central File
RS-150, Library
HR-220

Bureau of Land Management

REQUEST FOR RESTORATION OF FORFEITED ANNUAL LEAVE

Under the provisions of 5 U.S.C. 6304, it is requested that previously scheduled leave forfeited due to exigencies of the public service or due to sickness (injury) be restored. In support of this request, the following required information is provided (complete items 1 through 5 and 7 through 8) for requests due to exigencies of service; complete items 1 through 3 and 6, and 8 for request due to illness; and complete items 1, and 8 for request due to Y2K.

1. Date annual leave was scheduled _____ (attach copy of approved SF-71). Leave must have been scheduled at least three pay periods before end of the leave year).
2. Period (from _____ to _____) and amount _____ (days/hours) of leave that was requested as reflected by the SF-71.
3. Date leave was approved _____ .
4. Date leave was canceled _____ (attach copy of cancellation).
5. Date(s) (from _____ to _____) during which the leave was rescheduled.
6. If due to sickness (injury or disability), indicate dates and duration of sickness in an attachment. Attach copies of medical certificate, if any, plus sick leave approval, or copy of approval of disability retirement application.
7. Dates exigency was approved by the Assistant Director or State/Center Director _____ .
8. Actual number of hours requested for restoration _____ .

(Do not submit before end of leave year)	_____	_____
	Signature of Employee	Date

Attachments

- | | |
|-------------------------------------|------------------------|
| 1. _____ | 2. _____ |
| Servicing Personnel Specialist/Date | Personnel Officer/Date |

Concur:

- | | |
|--|-----------------------------|
| 3. _____ | Approved for _____ hours |
| Assistant Director/State/Center Director | Disapproved for _____ hours |

Submit three copies to Personnel Office

Int 4727-78
Revised 10/83
Attachment 1